

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 2740 of 2007(A)

PETITIONER:

N.P.RAJAN, @ RAJA PAUL, S/O.PAUL,
AGED 57 YEARS, RESIDING AT NARUTHURUTHIL HOUSE,
PEREPADAM ROAD, CHALIKKAVATTOM, VENNALA P.O.,
KOCHI-28.

BY ADV. SRI.C.K.PAVITHRAN

RESPONDENTS:

1. K.A.SABU,
POOVATHUMMOOTTILKADAVIL, EDAPPALLY P.O.,
KOCHI-24.
2. THE SECRETARY,
CORPORATION OF COCHIN, ERNAKULAM.
3. ASSISTANT EXECUTIVE ENGINEER,
EAST ZONAL OFFICE, CORPORATION OF COCHIN,
VYTTILA, COCHIN-29.
4. DISTRICT COLLECTOR,
ERNAKULAM.
5. THE CHIEF TOWN PLANNING OFFICER,
OFFICE OF THE CHIEF TOWN PLANNING OFFICER,
THIRUVANANTHAPURAM.
6. STATE OF KERALA,
REPR.BY SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI. A.V. THOMAS
ADV. SMT.M.K.PUSHPALATHA,SC,COCHIN CORPORATION FOR R2 & R3
GOVERNMENT PLEADER ADV. SMT. T.B. RAMANI FOR R4 TO R6

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 2740 OF 2007

Dated this the 6th day of February, 2007

JUDGMENT

The petitioner complains that the 1st respondent is proceeding with the construction of a ten storeyed building on the strength of permit for construction of a three storeyed building.

2. Sri.A.V. Thomas, entering appearance on behalf of the 1st respondent submits that a similar complaint was submitted by the petitioner before the District Collector who taking cognizance of the same has already issued a stop memo to the 1st respondent. The learned counsel placed before me copy of the notice dt.12.10.06 issued by the District Collector to the 1st respondent on the basis of the complaint submitted by the petitioner and another person.

3. Mr. Pavithran, counsel for the petitioner would submit that what the District Collector has done is only to forward the complaint to the Assistant Executive Engineer; but as rightly submitted by the learned Government Pleader the District Collector has called for a report from the Assistant Executive Engineer as part of the enquiry to be conducted by him into the complaint.

Since the issue is under consideration by the District Collector, I am of the view that it is not necessary that this Court should

simultaneously consider the issue now. I dispose of the Writ Petition directing the 4th respondent to hear the petitioner also before taking a final decision on the proceedings No.M7-25941/2006, already issued by him. If the petitioner is aggrieved by the order to be passed by the District Collector, it is always open to him to approach this Court again.

PIUS C. KURIAKOSE, JUDGE

btt

